

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:

Broadcast Localism

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MB Docket No. 04-233

(Federal Communications Commission DA 04-2457)

A joint presentation by:

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Notice of Inquiry – Localism

As the holders of several FCC Construction Permits, we thank the Commission for this opportunity to offer our input in the quest for broadcast localism.

We respectfully ask the Commission to consider the following changes to Commission Rules.

To increase local content on the radio bands, more local voices must be heard. One simple way to increase the number of voices is to make more broadcast outlets available to interested parties in each community.

Foremost, it is vital that the Commission end the prohibition of substantial local origination by FM Translators in 74.1231(h). This rule does nothing to reduce RF interference, and serves only to limit the options and the free speech rights of the operators of FM Translators. We therefore request that this rule be rescinded.

We recognize that should the Commission make this change, some form of new regulation is appropriate. We therefore urge the commission to adopt rules similar to those now in force for the upgrade of TV translators to LPTV stations. In effect, we are asking for the non-technical LPFM rules to apply to locally originating translators, creating the potential for thousands of new local voices where LPFM is technically precluded by the current rules.

It would also seem appropriate to limit the number of such upgraded translators that could be owned by a single entity. We suggest that the existing LPFM ownership caps be extended to these enhanced translators to prevent an undesirable concentration of ownership. We do not suggest that this limit be applied to owners of the existing class of translators.

Noting the applications for an estimated 13,000 new FM Translators filed with the Commission in 2003, we have studied the congestion of the FM band in many locations across the U.S. It is obvious that there are very few channels left anywhere that could support new LPFM stations, even should the Third Adjacent Channel rule be eliminated. There would, however, be many places for new LPFM stations if they were also allowed to use the options given to Full Power stations under Part 73.215.

We therefore propose that the Commission allow LPFM allocations that do not qualify under 73.807 of the LPFM rules to be made under part 73.215 if LPFM L1 and L2 classes were added. Or barring a change to 73.215, we would ask for a similar rule just for LPFM stations. We ask that the Received Interference requirements be waived for LPFM stations that are willing to accept some level of interference from other licensed stations while not creating any new objectionable interference for said stations. This is in line with the current LPFM received interference rules under 73.807.

Because of the rapid increase in FM band congestion brought about by thousands of LPFM and Translator filings, we ask for a relaxed policy toward Minor Changes involving LPFM stations that have already been approved or are still being actively processed by the Commission. We propose that the Commission permit a displaced LPFM to move to any available channel as a minor change as long as physical move is within nominal 60 dBu contour for the class of station, 6 km for L1 and 3 km for L2.

Also related to the sudden increase of FM Translators and LPFM stations, we ask that the Commission revise 74.1231(b) to allow non-commercial FM translators in both the reserved and non-reserved band to be fed in any manner. Thousands of proposed and recently approved facilities will make it difficult or impossible for many existing translators to continue to be fed over the air because of interference from new translators.

This is especially true in the mountainous parts of the U.S. where translators often pick up primary stations one hundred or more miles away.

Additionally, this rule change would reduce the pressure on national networks to acquire local NCE stations simply to operate them as a nexus for translator origination. These full power stations often operate with no local input, thanks to the Studio Waiver rule. If the artificial need for an originating NCE station were eliminated, it has the potential of encouraging some national translator operators to transfer some of their NCE stations to other operators. This could allow new operators to acquire these stations, many of which are in communities that have no more NCE channels available.

Also, in the interest of helping underpowered AM stations that serve their local community, we strongly urge the Commission to permit FM Translators to rebroadcast a local AM stations. To keep it local, we suggest that the FM Translator must be located within the 2 mv/m daytime contour of the AM station being rebroadcast. We also suggest that the AM station should be operating with a local studio. Those stations with no nighttime authorization should be allowed to unlimited broadcast hours on the translator.

Again, we point out that the desire for broadcast marketplace regulation does not make a strong showing against the curtailment of Free Speech it causes, and therefore violates judicial rulings that favor constitutional rights over regulatory concerns when the two clash.

We thank you for your kind attention, and for the opportunity to address you on the vital issue of Broadcast Localism.

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